



HON. ROSE H. SCONIERS
 CHAIR

MESSAGE FROM THE CHAIR

In order to achieve diversity in positions that have not been historically diverse, there needs to be a shift in the strategy used to recruit and nominate qualified judicial candidates. The rationale of “We’ve always done it this way” is not an acceptable excuse for change when the result is exclusion. The dilemma is that people of color have been formally and informally excluded from the playing field in areas such as the judiciary, management, and politics. Therefore, for many people of color “history and tradition” has meant a locked door since historically they have not been a part of the process.

The move towards access and equity for all people begins with the underlying premise that diversity is important. If you do not believe that we benefit from diverse backgrounds and perspectives, then making an effort to change will not be a priority. If you continually look within your inner circle for qualified

judicial candidates, you may find your results at odds with achieving diversity.

It is also frustrating for qualified candidates of color who are willing to do the work and follow the rules but find that the process, while appearing to be open, is really restricted and information is not readily available. Many such ideas were expressed in upstate New York at our seminars on “Everything You Need to Know about Becoming a Judge.”

The Commission has sought to make the process more open and informative through its seminars on “Everything You Need to Know about Becoming a Judge.” We hope to provide tools to create an environment that is receptive to diversity. We also try to bridge the gap through our judicial mentor program where attorneys are paired with judges through the application process.

It will take a concerted effort and a comprehensive strategy to extend access to previously excluded communities. Nonetheless, it is well worth the effort as diversity and inclusion are essential to the perception of justice and equity. ■

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“EVERYTHING YOU NEED TO KNOW ABOUT BECOMING A JUDGE SEMINAR”

ALBANY NEW YORK

The Commission continued its statewide initiative to feature “Everything You Need to Know about Becoming a Judge” seminars in districts where there is a lack of diversity on the bench. On September 12, 2014, the Commission co-sponsored with various organizations the seminar at Albany Law School.

The legal community was supportive and included participation from the following sponsors:

Albany County Bar Association, Albany Law School, Capitol District Women’s Bar Association, New York State Academy of Trial Lawyers, Capitol District Black & Hispanic Bar Association, Center for Women in Government & Civil Society, Judicial Section of the New York State Bar Association, National Association of Women Judges, New York Chapter, New York State Latino Judges Association, and the Third Judicial District Gender Fairness Committee.

The seminar was co-chaired by Honorable Rose H. Sconiers, Chair of the Franklin H. Williams Judicial Commission; Associate Justice of the Appellate Division, Fourth Department and Honorable Karen K. Peters, Presiding Justice of the Appellate Division, Third Department. Justice Peters has been a strong proponent for increased diversity in the Third Department. In 1992, she became the first woman elected to the Supreme Court in the Third Department and in 2012, she became the first woman appointed Presiding Justice of the Third Department. There has yet to be a person of color elected to a statewide judicial position in the Third Department.

The President and Dean of Albany Law School Penelope Andrews opened the seminar by reflecting on the importance of diversity. Dean Andrews understands the necessity of diversity having grown up in Cape Town, South Africa where apartheid was the rule of law until 1994.

The panel discussions included topics such as Election Law Overview & Related Ethical Requirements, the Evaluation Process, Securing a Nomination in Supreme Court, Making the Ballot in Town, City, County, and Family Court, and the Appointment Process for New York State Court of Claims.

The seminar was well attended and provided valuable information. There was open dialogue on local issues of



ALBANY LAW SCHOOL DEAN
PENELOPE ANDREWS



HON ROSE H. SCONIERS,
COMMISSION CHAIR, ASSOCIATE
JUSTICE, APPELLATE DIVISION,
FOURTH DEPARTMENT



HON. KAREN K. PETERS,
PRESIDING JUSTICE,
APPELLATE DIVISION,
THIRD DEPARTMENT



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importance such as the party selection process for candidates running for judgeships. History and tradition seemed to be at a crossroad with inclusion and access. The dialogue was essential as it allowed for an understanding of different points of view and ways to improve inclusion.

The seminar closed with a reception. The judges in attendance shared their perspective on the path to the judiciary.

Earlier this year, previous seminars of the “Everything You Need to Know About Becoming a Judge” series occurred in Rochester and Buffalo New York. The Commission plans to host additional seminars in Syracuse and White Plains, New York in 2015. ■



ELECTION LAW OVERVIEW & RELATED ETHICAL REQUIREMENTS

BRIAN R. HAAK, ESQ., ELECTION LAW ATTORNEY AND TOWN OF COLONIE COUNCILMAN;
CATHLEEN S. CENCI, DEPUTY ADMINISTRATOR, NYS COMMISSION ON JUDICIAL CONDUCT; HON. KAREN K. PETERS (MODERATOR)



ELECTION LAW OVERVIEW & RELATED ETHICAL REQUIREMENTS

HON ROSE H. SCONIERS; MATTHEW CLYNE, ESQ., DEMOCRATIC COMMISSIONER, ALBANY COUNTY BOARD OF ELECTIONS;
JAMES E. LONG, ESQ., LAW OFFICE OF JAMES E. LONG, ESQ.



EVALUATION PROCESSES

APRIL M. DALBEC, ESQ., PRESIDENT, CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION (MODERATOR) ; CHRISTOPHER MASSARONI, ESQ., ALBANY COUNTY BAR ASSOCIATION JUDICIAL SCREENING COMMITTEE; TIMOTHY P. O'KEEFE- DIRECTOR, NEW YORK STATE JUDICIAL ELECTION QUALIFICATION COMMISSION, THIRD DEPARTMENT



SECURING A NOMINATION IN SUPREME COURT

RICHARD JACOBSON, ESQ., CHAIR OF THE ALBANY COUNTY DEMOCRATIC COMMITTEE'S LAW COMMITTEE; PAUL CAPUTO, ALBANY COUNTY INDEPENDENCE PARTY CHAIR; HON. KAREN K. PETERS;



SECURING A NOMINATION IN SUPREME COURT

HON. ROSE H. SCONIERS; HON. LESLIE E. STEIN, APPELLATE DIVISION, THIRD DEPARTMENT;
HON. DORIS M. GONZALEZ – LATINO JUDGES ASSOCIATION (MODERATOR)



MAKING THE BALLOT IN TOWN, CITY, COUNTY AND FAMILY COURT

(LEFT) HON. PETER G. CRUMMEY, PRESIDENT, ALBANY COUNTY BAR ASSOCIATION (MODERATOR);
(RIGHT) HON. SUSAN M. KUSHNER, ALBANY COUNTY FAMILY COURT JUDGE, HON. DEBRA J. YOUNG, RENSSELAER COUNTY COURT JUDGE



MAKING THE BALLOT IN TOWN, CITY, COUNTY AND FAMILY COURT

HON. RACHEL L. KRESTER; HON. WILLIAM A. CARTER, ALBANY CITY COURT JUDGE; HON. KAREN K. PETERS



APPOINTMENT PROCESS FOR NYS COURT OF CLAIMS

WILLIAM T. LITTLE, ESQ., PRESIDENT, CAPITOL DISTRICT BLACK AND HISPANIC BAR ASSOCIATION (MODERATOR)
 JOHN A. REGAN, ASSISTANT COUNSEL, GOVERNOR OF ANDREW M. CUOMO;
 HON. MICHAEL H. MELKONIAN, NYS COURT OF CLAIMS JUDGE;



APPOINTMENT PROCESS FOR NYS COURT OF CLAIMS

– HON ROSE H. SCONIERS; JESSICA M. CHERRY, ESQ., COUNSEL FOR NYS SENATE, WILLIAM T. LITTLE, ESQ.

2014 NATIONAL CONSORTIUM CONFERENCE REVISITS INTERNMENT



AURA NEWLIN, SENATOR ALAN K. SIMPSON (RETIRED), SHIRLEY ANN HIGUCHI, HON. EDWARD C. CLIFTON, FORMER U.S. SECRETARY OF TRANSPORTATION, NORMAN Y. MINETA

On June 25 – 28, 2014, the National Consortium on Racial and Ethnic Fairness in the Courts (“NCREFC”) held its 26th Annual Conference in Cody, Wyoming. The Franklin H. Williams Judicial Commission is a member of the NCREFC along with Commissions from 37 other states. The annual conference is an opportunity for Commissions from around the country to convene and discuss issues of race, ethnicity, and diversity in the justice system. Each state representative reports on issues that impact the court and methods to address those issues. This forum provides an opportunity for those in attendance to address similar issues in their own state courts.

The Heart Mountain Wyoming Foundation hosted this year’s confer-

ence which focused on the impact and lessons learned from the internment of Japanese Americans during World War II. The Heart Mountain Wyoming Foundation was “created to support education and research on the unjust incarceration of 14,000 people of Japanese ancestry at Heart Mountain.”

Conference attendees visited the original site of the interment at the “Heart Mountain Relocation Center” built in 1942.

The opening speakers were Norman Y. Mineta, U.S. Secretary of Commerce and Transportation, retired, and Senator Alan K. Simpson, retired. They discussed the development of their lifelong friendship which began during World War II when Secretary Mineta was a child interned with his family at the Heart Mountain Relocation center and Senator Simpson was a Boy

Scout with his Boy Scout troop assisting to establish a troop for the children at Heart Mountain. The men were able to maintain their friendship throughout the years and both proceeded to lead distinguished careers in public service.

Another keynote speaker was the Hon. Lance A. Ito, Los Angeles Superior Court Justice, who spoke about his parents and grandparents experiences at Heart Mountain and how their encounters influenced his choices as a judge.

The conference featured a play entitled “Heart Mountain: Conscience, Loyalty, and the Constitution” which re-enacted the Heart Mountain Draft Resisters Trial in 1941. The re-enactment highlighted the trial of 63 young men who resisted the military



JOYCE Y. HARTSFIELD (RIGHT) WITH SURVIVOR OF THE JAPANESE INTERNMENT (MIDDLE) AND HIS WIFE



BOARD MEMBERS OF THE NATIONAL CONSORTIUM ON RACIAL AND ETHNIC FAIRNESS IN THE COURTS AND CONFERENCE PARTICIPANTS

OF JAPANESE AMERICANS DURING WORLD WAR II

draft to protest their confinement at Heart Mountain. The play was co-authored by Hon. Denny Chin, United States Circuit Judge for the Second Circuit and his wife, Kathy Hirata Chin, Esq., a partner at Cadwalader, Wickersham & Taft LLP.

Some of the other issues addressed at the conference included the following: Tribal Courts: History, Current Issues, and the Relationship with the State Courts; Youth Involvement in the Criminal Justice System: The Way In and the Way Out; Language Access in the Courts, Challenges for Low-Income Populations in the Criminal Justice System; and Immigrant Rights in the Courts: Current Issues and Future Decisions.

The Franklin H. Williams Judicial Commission will host the 27th Annual Conference of the National Consortium on Racial and Ethnic Fairness in the Courts in Buffalo, New York from June 10-13, 2015. The conference theme will be “Uniting Communities: Justice for All.” ■



HON. RICHARD B. LOWE III, HON. DENNY CHIN, KATHY HIRATA CHIN, ESQ.



HON. DORIS LING-COHAN (THIRD FROM LEFT) WITH CONFERENCE PARTICIPANTS



(LEFT) ERICA CHUNG, HON. EDUARDO PADRO, HON. LANCE ITO, HON. ROSE H. SCONIERS

(RIGHT) HON. LANCE ITO, HON. CLIFTON GRANDY, SHIRLEY ANN HIGUCHI AND HON. STEVE CRANFILL



MEMBERS OF THE JUDICIARY UNDER THE GUARD TOWER AT HEART MOUNTAIN (SITE OF THE INTERNMENT IN CODY, WYOMING)

TRIBUNE SOCIETY 46TH ANNIVERSARY AWARDS DINNER DANCE

On November 7, 2014, the Tribune Society, Inc. of the Courts of the State of New York hosted its 46th Annual Dinner Dance at the Grand Prospect Hall in Brooklyn, New York. This year, Joyce Y. Hartsfield, the Executive Director of the Franklin H. Williams Judicial Commission, was honored for her work at the Commission and her efforts towards diversity and inclusion in the courts.

The other honorees included, Honorable Milton A. Tingling, Jr., Judge Supreme Court, Civil Branch, New York County; Honorable Kenneth P. Thompson, District Attorney, Kings County; Tamara Kersh, Chief Clerk, Queens County Supreme Court-Civil Division; and Michelle Foggie, Chief Clerk, Bronx County, Supreme Court-Criminal Term. We salute the honorees and wish them much continued success.



REV. DR. SEAN GARDNER, SENIOR PASTOR, EAST WARD MISSIONARY BAPTIST CHURCH, SENIOR COURT CLERK WAYNE POWELL, RETIRED SENIOR COURT OFFICER GREGORY COX, MAJOR ERNEST L. OWENS, RETIRED NASSAU COUNTY DETECTIVE ALLAN TAYLOR, CHIEF CLERK BARRY CLARKE



HON. KENNETH P. THOMPSON, MAJOR ERNEST OWENS, JOHN STUBBS



MAJOR ERNEST OWENS, JOYCE Y. HARTSFIELD, HON. LAWRENCE MARKS



HON. MILTON TINGLING



TAMARA KERSH



MICHELLE FOGGIE

OFFICE OF COURT ADMINISTRATION

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Joyce Y. Hartsfield, *Executive Director*
Karlene Dennis, *Associate Counsel*

36th Annual Law Sermon

On June 8, 2014, the 36th Annual Law Sermon occurred at the Goodwill Baptist Church in Bronx, New York. The event, organized by Judicial Friends, is an opportunity for the court community to worship together. The sermon occurs at a different church each year.

BELOW: COURT PERSONNEL AT GOODWILL BAPTIST CHURCH WITH HON. DEBORAH DOWLING



MEMBERS OF THE JUDICIARY AND REV. BOOKER T. SEARS, JR.



ABOVE: COURT OFFICERS AT GOODWILL BAPTIST CHURCH

